

Notice of Allowability

Application No.

09/893,419

Applicant(s)

ARNOLD, STEVE

Examiner

Art Unit

Prabodh M. Dharia

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03-01-2006.
2. ☒ The allowed claim(s) is/are 1-4,6,8,11,12,16-27 and renumbered as 1-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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1. **Status:** Please all the replies and correspondence should be addressed to Examiner new art unit 2629. Receipt is acknowledged of papers submitted 03-01-2006 under request for reconsideration, which, have been placed of record in the file. Claims 1-4, 6, 8, 11, 12 and 16-27, are pending in this office action. Claims 5,7,9,10 and 13-15 are cancelled.

Response to Arguments

2. Applicant's arguments, see Remark, filed 03-01-2006, with respect to Claims 1,11, 25,- 27, regarding "inter alia, an actuator operated to select the first item, are never associated with a different menu item of a second level selection" have been fully considered, searched and are persuasive as they do overcome prior art rejection. The non-final rejection mailed on of 11-01-2005 has been withdrawn.

3. Claims 1-4, 6, 8, 11, 12 and 16-27, are allowed.

4. The following is an examiner's statement of reasons for allowance:

Applicant's argument, filed on 03-01-2006 are convincing. As argued by applicant in remarks pages 7, paragraph 5, Lines 1,2 page 8, paragraph 1, Lines 2,3, paragraph 2, Lines 6,7 paragraph 3, Lines 2,3, paragraphs 4, Lines 1,2, the cited references of Keen (US patent No. 5,638,438) in view of Kemp et al. (6,822,634) and Hale et al.(5,870,689) fails to recite or disclose the uniquely distinct features represented by underlined bold claim below;

An apparatus for selecting an item from a predetermined set of menu items organize in a menu comprising a first and second menu levels, the apparatus comprising: a user interface comprising an input having a plurality of actuators, and an output; control means for controlling

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the user interface to provide a first menu selection corresponding to the first menu level and comprising a first number of menu items not exceeding the number of actuators, wherein different menu items are associated with different actuators; and selection means responsive to operation of any one of the actuators for selecting from the menu a first item associated with the operated actuator; wherein the control means is configured to control the user interface to provide, corresponding to the second menu level, a second menu selection comprising a second number of menu items in response to selection of the first item so that at least one menu item of the second menu selection represents a subset of the first item, **the second number being less than the first number and the actuator operated to select the first item is never associated with a menu item of the second selection.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prabodh M Dharia whose telephone number is 571-272-7668. The examiner can normally be reached on M-F 8AM to 5PM.
6. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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04-01-2006



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